

## **AGENDA**

Board of Adjustment Meeting  
105 S. Cockrell Hill Road, Ovilla, Texas 75154

February 17, 2015

**Pursuant to the provisions of Chapter 551 VTCA Government Code, notice is hereby given of a Regular Meeting of the Board of Adjustment to be held on Tuesday, February 17, 2015 at 7:00 P.M. at 105 S. Cockrell Hill Road, Ovilla, Texas, 75154 for the purpose of considering the listed item(s). The Board of Adjustment of the City of Ovilla, Texas, reserves the right to meet in a closed session pursuant to authorization by Texas Government Code, Sections 551.071 (consultation with attorney), 551.072 (deliberations about real property), 551.073 (deliberations about gifts and donations).**

### **Call to Order**

♦Pledge of Allegiance

### **Comments, Presentations, Reports and/or Appointments**

♦None

### **Consent Items**

♦Minutes of the January 2015 BOA Meeting

*The following item(s) may be acted upon in one motion. No separate discussion or action is necessary unless requested by a Board Member, in which event those items will be pulled from the consent agenda for individual consideration.*

### **Individual Consideration**

**ITEM 1.** **BOA201415.05 - Public Hearing and Discussion** of an appeal to the Ovilla Code of Ordinances, Chapter 14, Section 30.8 CARPORT filed by Mr. Michael Clouse for a residential variance to construct detached carport on his property located at 106 Meadowwood Ln.  
**DISCUSSION/ACTION – Consideration** of requested **Variance** filed by Mr. Michael Clouse.

### **Zoning Board of Adjustment Requests for Future Items**

*No action or in-depth discussion may occur during this item. It is intended to provide an opportunity for the Board to inform each other and the public about events and situations that are of general interest.*

## Adjournment

This is to certify that a copy of the Notice of the **Ovilla Board of Adjustment Meeting** scheduled for **February 17, 2015 @ 7:00 P.M.**, was posted on the bulletin board at City Hall, 105 S. Cockrell Hill Road, Ovilla, Texas, on this 13th day of February 2015, prior to 6:00 p.m.

Glennell Miller  
Board Secretary

Glennell Miller

## Board Secretary

DATE OF POSTING: 1-13-15 TIME: 3:00 am/pm  
DATE TAKEN DOWN: \_\_\_\_\_ TIME: \_\_\_\_\_ am/pm

IF YOU OR YOUR REPRESENTATIVE HAS A DISABILITY THAT REQUIRES SPECIAL ARRANGEMENTS AND YOU PLAN TO ATTEND THIS PUBLIC MEETING, PLEASE CONTACT THE CITY SECRETARY AT 972-617-7262 WITHIN 24 HOURS OF THE MEETING. REASONABLE ACCOMMODATIONS WILL BE MADE TO MEET YOUR NEEDS AT THE MEETING. PLEASE SILENCE ALL PAGERS, CELL PHONES, AND OTHER ELECTRONIC EQUIPMENT WHILE THE ZONING BOARD OF ADJUSTMENT MEETING IS IN SESSION.

**CITY OF OVILLA MINUTES**  
**Tuesday, January 20, 2015**  
**Regular Board of Adjustment Meeting**

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Vice-Chair Richard Ware called a Regular Meeting of the Ovilla Board of Adjustment to order at 7:02 p.m. with the following BOA members present, thus constituting a quorum:

Stephanie Albright	Board Member
Jamie Hilburn	Board Member
Carol Richtsmeier	Board Member (Alternate)

Absent:	Barbara Betik	Chair
	Patricia Rarick	Board Member
	Jeanne Ham	Board Member (Alternate)

Code Enforcement Officer Mike Dooly was present.

Vice Chair Ware called the role, noting Chair Betik, PL1 Rarick and PL6 Ham absent, all other members present, thus declaring a quorum. The Pledge of Allegiance was led at this time.

Vice-Chair Ware outlined the evening's agenda and briefed those present on board procedures.

**COMMENTS, PRESENTATIONS, REPORTS AND/OR APPOINTMENTS**

None

**CONSENT ITEMS**

- Minutes of the August 2014 BOA Meeting

PL7 Richtsmeier made the motion that the BOA approve the consent item as presented.

PL4 Albright seconded the motion.

***VOTE: The motion carried 4-0.***

**PUBLIC HEARING**

**ITEM 1.** ***BOA201415.01- Public Hearing and Discussion*** of an appeal to the Ovilla Code of Ordinances, Chapter 14, Section 30.3 PLACEMENT; filed by Mr. Wade Grimes for a residential variance to construct an accessory building with front facing door(s) on his property located at 108 Westlawn.

***Vice-Chair Ware read aloud the captioned request and opened the Public Hearing at 7:10 p.m.***

***(Testimony that followed was under proper oath; City Representative)***

Code Enforcement Officer Mike Dooly shared a brief summary. The Applicant, requested a front facing garage due to the limited space of his yard, and actual septic line placement. Officer Dooly also explained the utility easement would be a factor.

***(Testimony that followed was under proper oath; Applicant)***

Applicant's contractor Kenneth Hall was sworn in to speak for the applicant. Explained that the structure would be made out of hardi-plank to match other structures in the area. Mr. Hall also explained that there was limited area to face doors, based on the survey.

**CITY OF OVILLA MINUTES**  
**Tuesday, January 20, 2015**  
**Regular Board of Adjustment Meeting**

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**Vice-Chair Ware asked that those speaking in support of the request to please step to the podium:**

None

**Vice-Chair Ware asked that those speaking in opposition of the request to please step to the podium:**

None

**Rebuttal or Final Comments:**

1. Mr. Kenneth Hall spoke again and had additional photos of the property showing all of the factors of the yard and the reason of the door placement.

**\*\*AT THIS TIME THE BOARD DECIDED TO CONSIDER ITEM BOA201415.02 BEFORE CLOSING & MAKING A DECISION\*\***

**ITEM 2. BOA201415.02- Public Hearing and Discussion** of an appeal to the Ovilla Code of Ordinances, Chapter 14, Section 30.3 OTHER SETBACKS; filed by Mr. Wade Grimes for a residential variance to construct an accessory building closer than the allowed 100' (feet) from property line at 108 Westlawn.

**Vice-Chair Ware read aloud the captioned request:**

**(Testimony that followed was under proper oath; City Representative)**

Code Enforcement Officer Mike Dooly recited code and explained the needs of the applicant. The code states 100' (feet) due to utility easement. Also stated, applicant may be able to go within 10-12 feet.

**(Testimony that followed was under proper oath; Applicant)**

None

**Vice-Chair Ware asked that those speaking in support of the request to please step to the podium:**

None

**Vice-Chair Ware asked that those speaking in opposition of the request to please step to the podium:**

None

**Rebuttal or Final Comments:**

None

**Vice Chair Ware closed the Public Hearings at 7:23 p.m.**

**INDIVIDUAL CONSIDERATION**

**DISCUSSION/ACTION – Consideration of requested Variance** filed by Mr. Wade Grimes.

The Board reviewed the criterion and completed the *Findings-of-Fact* form resulting in a positive outcome.

**CITY OF OVILLA MINUTES**  
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PL7 Richtsmeier moved that the BOA grants/approves the variance to Wade Grimes at 108 Westlawn, to build an accessory building with front facing door(s) on his property as presented in appeal **BOA201415.01**.

PL4 Albright seconded the motion.

Vice Chair Ware called a record vote.

**Record Vote:**

ALBRIGHT	<u>AYE</u>
BETIK	<u>ABSENT</u>
HILBURN	<u>AYE</u>
WARE	<u>AYE</u>
HAM	<u>ABSENT</u>
RARICK	<u>ABSENT</u>
RICHTSMEIER	<u>AYE</u>

***VOTE: The motion carried 4-0.***

***DISCUSSION/ACTION – Consideration of requested Variance*** filed by Mr. Wade Grimes.

The Board reviewed the criterion and completed the *Findings-of-Fact* form resulting in a positive outcome.

PL7 Richtsmeier moved that the BOA grants/approves the variance to Wade Grimes at 108 Westlawn, to build an accessory building closer than the allowed 100' (feet) on his property as presented in appeal **BOA201415.02**.

PL4 Albright seconded the motion.

Vice Chair Ware called a record vote.

**Record Vote:**

ALBRIGHT	<u>AYE</u>
BETIK	<u>ABSENT</u>
HILBURN	<u>AYE</u>
WARE	<u>AYE</u>
HAM	<u>ABSENT</u>
RARICK	<u>ABSENT</u>
RICHTSMEIER	<u>AYE</u>

***VOTE: The motion carried 4-0.***

**PUBLIC HEARING**

**ITEM 3.** ***BOA201415.03- Public Hearing and Discussion*** of an appeal to the Ovilla Code of Ordinances, Chapter 14, Section 30.1 GENERALLY filed by Mrs. Lisa Coursey for a residential variance to construct an accessory building before dwelling unit has been built on the property at 104 Suburban.

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**Vice-Chair Ware read aloud the captioned request and opened the Public Hearing at 7:30 p.m.**

**(Testimony that followed was under proper oath; City Representative)**

Code Enforcement Officer Mike Dooly explained applicant wants to replace old storage buildings with new building. Mrs. Coursey owns multiple lots together, and the main dwelling is on one lot and requested the accessory building on the other lot.

**(Testimony that followed was under proper oath; Applicant)**

Mrs. Coursey reiterated what Officer Dooly had stated about owning the lots and would like to replace the old, dilapidated buildings with new, stone and brick building.

**Vice-Chair Ware asked that those speaking in support of the request to please step to the podium:**

1. Louis Grinage – 101 Brookwood Ct. across the street from applicant. States applicant keeps her property immaculate and this will improve hers and surrounding property values.
2. Mr. Dickens – 103 Suburban - supports Mrs. Coursey.

**Vice-Chair Ware asked that those speaking in opposition of the request to please step to the podium:**

None

**Rebuttal or Final Comments:**

None

**Vice-Chair Ware closed the Public Hearing at 7:38 p.m.**

**INDIVIDUAL CONSIDERATION**

**DISCUSSION/ACTION – Consideration of requested **Variance** filed by Mrs. Lisa Coursey.**

The Board reviewed the criterion and completed the *Findings-of-Fact* form resulting in a positive outcome.

PL7 Richtsmeier moved that the BOA grants/approves the variance filed by Mrs. Lisa Coursey at 104 Suburban to build an accessory building before dwelling unit has been built as presented in BOA 201415.03.

PL4 Albright seconded the motion.

Vice Chair Ware called a record vote.

**Record Vote:**

ALBRIGHT	<u>AYE</u>
BETIK	<u>ABSENT</u>
HILBURN	<u>AYE</u>
WARE	<u>AYE</u>
HAM	<u>ABSENT</u>
RARICK	<u>ABSENT</u>
RICHTSMEIER	<u>AYE</u>

***VOTE: The motion carried unanimously 4-0.***

**CITY OF OVILLA MINUTES**  
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**PUBLIC HEARING**

**ITEM 4.** **BOA201415.04- Public Hearing and Discussion** of an appeal to the Ovilla Code of Ordinances, Chapter 14, Section 35.3 SUPPORT AND RAILS filed by Mr. Weiffering for a residential special exception to construct a fence beyond the building line and shall not exceed eight feet (8') in height on his property at 1934 Juniper.

**Vice-Chair Ware read aloud the captioned request and opened the Public Hearing at 7:43 p.m.**

**(Testimony that followed was under proper oath; City Representative)**

Code Enforcement Officer Mike Dooly explained applicant wants to tie on to existing fence 35' back. Explained that all fences on Johnson Lane have fencing beyond building line, and it does not impede anyone's visual line of sight.

**(Testimony that followed was under proper oath; Applicant)**

Mr. Weiffering showed photos from his personal phone, and explained that the property was already fenced, and wanted to upgrade to 4 rail post fencing.

**Vice-Chair Ware asked that those speaking in support of the request to please step to the podium:**

None

**Vice-Chair Ware asked that those speaking in opposition of the request to please step to the podium:**

None

**Rebuttal or Final Comments:**

None

**Vice-Chair Ware closed the Public Hearing at 7:50 p.m.**

**INDIVIDUAL CONSIDERATION**

**DISCUSSION/ACTION – Consideration of requested Special Exception** filed by Mr. Weiffering.

The Board reviewed the criterion and completed the *Findings-of-Fact* form resulting in a positive outcome.

PL7 Richtsmeier moved that the BOA grants/approves the variance filed by Mr. Weiffering at 1934 Juniper to construct a fence beyond the building line and shall not exceed eight feet (8') in height as presented in BOA 201415.04.

PL4 Albright seconded the motion.

Vice Chair Ware called a record vote.

**Record Vote:**

ALBRIGHT	<u>AYE</u>
BETIK	<u>ABSENT</u>
HILBURN	<u>AYE</u>
WARE	<u>AYE</u>
HAM	<u>ABSENT</u>

**CITY OF O'VILLA MINUTES**  
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RARICK                    ABSENT  
RICHTSMEIER            AYE

***VOTE: The motion carried unanimously 4-0.***

**Zoning Board of Adjustments Requests for Future Items**

N/A

**Adjournment**

There being no further business, Vice Chair Richard Ware adjourned the meeting at 7:53 p.m.

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Richard Ware, Vice Chair

ATTEST:

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Glennell Miller, Board Secretary

***Approved February 17, 2015***

Attachment: Findings of Fact forms (4)



## City of OVILLA Board of Adjustment Findings of Fact for VARIANCE

Applicant: WADE GRIMES  
Address: 108 WESTLAWN

Case Number: BOA201415.01

Upon giving public notice and conducting a public hearing on this **VARIANCE** request in accordance with Chapter 14 Section 30.3 **PLACEMENT,(C)** of the Ovilla Code of Ordinances, the Board of Adjustment adopts these specific, written findings as follows:

	YES	NO
1. That special circumstances or conditions exist which are peculiar to the property, structure or building involved and which are not applicable to other lands, structures, or buildings in the same district.	✓	
2. That literal interpretation of the Ordinance will deprive the applicant of rights commonly enjoyed by other properties in the same district under the Ordinance.	✓	
3. That the special conditions and circumstances do not result from the action of the applicant.	✓	
4. The Board of Adjustment shall further make a finding that the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building or structure; and	✓	
5. The BOA shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this ordinance and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.	✓	

*All findings must be determined in the affirmative for the variance to be granted.*

**BOA Members present, and upon a record vote of:**

	FOR	AGAINST	ABSTAIN
Member Jamie Hilburn	AYE		
Chair Barbara Betik	ABSENT		
Member Stephanie Albright	AYE		
Member Patricia Rarick	ABSENT		
Vice Chair Richard Ware	AYE		
Alt. Member Carol Richtsmeier	AYE		
Alt. Member Jeanne Ham	ABSENT		

**TOTALS:**

4 FOR  
0 AGAINST  
0 ABSTAIN

The variance is hereby:

granted

denied

Presiding Officer of BOA

Date

1/20/2015

City or Board Secretary



## City of OVILLA Board of Adjustment Findings of Fact for VARIANCE

Applicant: WADE GRIMES  
Address: 108 WESTLAWN

Case Number: BOA201415.02

Upon giving public notice and conducting a public hearing on this **VARIANCE** request in accordance with Chapter 14 Section 30.3 OTHER SETBACKS, (B) of the Ovilla Code of Ordinances, the Board of Adjustment adopts these specific, written findings as follows:

	YES	NO
1. That special circumstances or conditions exist which are peculiar to the property, structure or building involved and which are not applicable to other lands, structures, or buildings in the same district.	✓	
2. That literal interpretation of the Ordinance will deprive the applicant of rights commonly enjoyed by other properties in the same district under the Ordinance.	✓	
3. That the special conditions and circumstances do not result from the action of the applicant.	✓	
4. The Board of Adjustment shall further make a finding that the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building or structure; and	✓	
5. The BOA shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this ordinance and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.	✓	

*All findings must be determined in the affirmative for the variance to be granted.*

**BOA Members present, and upon a record vote of:**

	FOR	AGAINST	ABSTAIN
Member Jamie Hilburn	AYE		
Chair Barbara Betik	ABSENT		
Member Stephanie Albright	AYE		
Member Patricia Rarick	ABSENT		
Vice Chair Richard Ware	AYE		
Alt. Member Carol Richtsmeier	AYE		
Alt. Member Jeanne Ham	ABSENT		

**TOTALS:**

1 FOR  
0 AGAINST  
0 ABSTAIN

The variance is hereby:

granted

denied

Presiding Officer of BOA

Date

1/20/2015

Guillot  
City or Board Secretary



## City of OVILLA Board of Adjustment Findings of Fact for VARIANCE

Applicant: LISA COURSEY

Case Number: BOA201415.03

Address: 104 SUBURBAN

Upon giving public notice and conducting a public hearing on this **VARIANCE** request in accordance with Chapter 14 Section 30.1 GENERALLY of the Ovilla Code of Ordinances, the Board of Adjustment adopts these specific, written findings as follows:

	YES	NO
1. That special circumstances or conditions exist which are peculiar to the property, structure or building involved and which are not applicable to other lands, structures, or buildings in the same district.	✓	
2. That literal interpretation of the Ordinance will deprive the applicant of rights commonly enjoyed by other properties in the same district under the Ordinance.	✓	
3. That the special conditions and circumstances do not result from the action of the applicant.	✓	
4. The Board of Adjustment shall further make a finding that the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building or structure; and	✓	
5. The BOA shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this ordinance and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.	✓	

*All findings must be determined in the affirmative for the variance to be granted.*

**BOA Members present, and upon a record vote of:**

	FOR	AGAINST	ABSTAIN
Member Jamie Hilburn			
Chair Barbara Betik	ABSENT		
Member Stephanie Albright			
Member Patricia Rarick	ABSENT		
Vice Chair Richard Ware			
Alt. Member Carol Richtsmeier			
Alt. Member Jeanne Ham	ABSENT		

**TOTALS:**

4 FOR  
0 AGAINST  
0 ABSTAIN

The variance is hereby:

✓ granted

denied

Presiding Officer of BOA

Date

1/20/2015

City or Board Secretary



## City of OVILLA Board of Adjustment Findings of Fact for SPECIAL EXCEPTION

Applicant: DOUG WEIFFERING Case Number: BOA201415.04  
Address: 1934 JUNIPER

Upon giving public notice and conducting a public hearing on this **SPECIAL EXCEPTION** request in accordance with Chapter 14, Section 35.3 Fences in Residential Districts of the Zoning Ordinance, the Board of Adjustment adopts these specific, written findings as follows:

	YES	NO
1. That the use is specifically permitted under the ordinance and the requirements for such use are met; and	✓	
2. That the location of proposed activities and improvements are clearly defined on the site plan filed by the applicant(s); and	✓	
3. That the exception, if granted, will be wholly compatible with the use and permitted development of adjacent properties.	✓	

*All findings must be determined in the affirmative for the special exception to be granted.*

**BOA Members present, and upon a record vote of:**

FOR      AGAINST      ABSTAIN

Member Jamie Hilburn	AYE		
Chair Barbara Betik	ABSENT		
Member Stephanie Albright	AYE		
Member Patricia Rarick	ABSENT		
Vice Chair Richard Ware	AYE		
Alt. Member Carol Richtsmeier	AYE		
Alt. Member Jeanne Ham	ABSENT		

**TOTALS:**

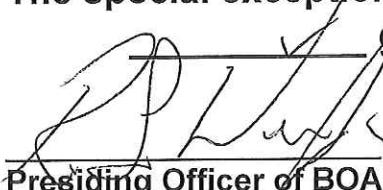
4  
0  
0

FOR  
AGAINST  
ABSTAIN

The special exception is hereby:

granted

denied

  
Presiding Officer of BOA

1/20/2015

DATE

**Attest:**

  
City or Board Secretary

1.20.15

DATE

**BOARD OF ADJUSTMENT**

AGENDA ITEM NO: 1

February 17, 2015

**ITEM 1.** **BOA201415.05 - Public Hearing and Discussion** of an appeal to the Ovilla Code of Ordinances, Chapter 14, Section 30.8 CARPORTS filed by Mr. Clouse for a residential variance to construct a detached carport on his property at 106 Meadowwood Ln.

**DISCUSSION/ACTION – Consideration** of requested **Variance** filed by Mr. Michael Clouse.

**APPLICANT:** Michael Clouse

**LOCATION:** 106 Meadowwood Ln.

**ZONING:** RE Residential

**NOTICES:** One public notice listed in the Waxahachie Daily Light; 13 certified letters mailed. City office has received no opposition notices.

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**APPLICANT'S PROPOSAL:**

Applicant requests to construct a detached carport.

**DISCUSSION:**

**The Ovilla Code of Ordinances, Chapter 14, Section 30.8, CARPORTS states:**

(A) Prohibition. Freestanding carports are not permitted.

**BOARD DISCUSSION:** The Board is allowed to grant a **variance** based on the outcome of the *Findings of Fact* form.

**STAFF RECOMMENDATION:** N/A

**SAMPLE MOTION:**

***"I MAKE A MOTION THAT THE BOA GRANTS & APPROVES/DENIES THE VARIANCE TO MICHAEL CLOUSE AT 106 MEADOWWOOD LN., TO BUILD A DETACHED CARPORT ON HIS PROPERTY, AS PRESENTED IN BOA201415.05."***

# City of Ovilla

Phone: (972) 617-7262

Fax: (972) 515-3221

105 S. Cockrell Hill Rd.

Ovilla, Texas 75154

## Residential Building Permit Application

Building Permit Number:	4727	Valuation:	\$3,500.00
		Valuation w/land:	
Project Address:	106 MEADOWWOOD LN		
Lot:	Block:	Subdivision:	
Project Description:	NEW SFR <input type="checkbox"/>	SFR REMODEL/ADDITION <input type="checkbox"/>	SPECIFY OTHER: _____
RE-INSPECTION/ADDITIONAL INSP <input type="checkbox"/>	FLATWORK <input type="checkbox"/>	SPRINKLER <input type="checkbox"/>	
SWIMMING POOL <input type="checkbox"/>	ACCESSORY BUILDING <input type="checkbox"/>	FENCE <input type="checkbox"/>	
Proposed Use:	24 X 26 METAL CARPORT		
Description of Work:			
Area Square Feet:	Covered _____	Porch: _____	Total: _____ Number of stories: _____
Living: _____	Garage: _____		

Name:	MICHAEL CLOUSE	Contact Person:	
Address:			
Phone Number:	817-789-8599	Home Number	Mobile Number:

General Contractor	Contact Person	Phone Number	Contractor License Number
Mechanical Contractor	Contact Person	Phone Number	Contractor License Number
Electrical Contractor	Contact Person	Phone Number	Contractor License Number
Plumber/Irrigator	Contact Person	Phone Number	Contractor License Number

I hereby certify that I have read and examined this application and know the same to be true and correct. All provisions of laws and ordinances governing this type of work will be complied with whether specified or not. The granting of a permit does not presume to give authority to violate or cancel the provisions of any other state or local law regulating construction or the performance of construction.

Signature of Applicant: Michael E Clouse

Date: 01-14-2015

### OFFICE USE ONLY:

Approved by:	Date approved:
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Plan Review Fee: \_\_\_\_\_

Receipt # \_\_\_\_\_

Total Fees: \_\_\_\_\_

Building Permit Fee: \_\_\_\_\_

Receipt # \_\_\_\_\_

Issued Date: \_\_\_\_\_

Park Impact Fee: \_\_\_\_\_

Expires: 180 Days

Capital Recovery Fee: \_\_\_\_\_

Issued By: \_\_\_\_\_

Fire Meter: \_\_\_\_\_

*Denied - Detached Carport*

Water Meter Cost: \_\_\_\_\_

*mooy*

Water Impact: \_\_\_\_\_

BV Project # \_\_\_\_\_

Sewer Connection Fee: \_\_\_\_\_

Sewer Impact: \_\_\_\_\_

Fire Fee: \_\_\_\_\_

To the city of Ovilla,

I would like to install an all steel car port outside my garage.

The size would be 24ft x 26.

Post will be 4in x 4in of 2gage steel

The post will be 3ft to 4ft deep depending on the rock base

I have already called 811 to locate any underground utilities.

nothing was found under the area.

Michael Clouse

106 Meadowwood Ln

Ovilla Texas 75154

817-789-8599



## CHAPTER 14

### ZONING

#### Section 30.8 CARPORTS

A. Prohibition. Freestanding carports are not permitted.



## INSTRUCTIONS FOR COMPLETING THE REQUEST FOR ZONING VARIANCE TO THE OVILLA BOARD OF ADJUSTMENT

Definition of **Variance** from the Ovilla Code of Ordinances adopted by Ordinance 2010.023

***A variance is a relaxation by the Board of Adjustment of the dimensional regulations of the zoning ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the situation of the applicant, a literal enforcement of the zoning ordinance would result in unnecessary and undue hardship.***

**Variance.** To authorized upon appeal in specific cases such variance from the height, yard area, coverage, and parking regulations set forth in this ordinance as may be necessary to secure appropriate development of a parcel of land which differs from other parcels in the district by being of such restricted area, shape, or slope that is cannot be appropriately developed without such modifications.

This instruction page is provided for your information and assistance in filling out this variance request. It is not to be considered legal advice. City employees are not permitted to give legal advice in this matter.

Evidence of each of the following conditions must be found to exist by the Board of Adjustment in order for a variance request to be granted. They are:

1. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district; and
2. That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance;
3. That the special conditions and circumstances do not result from the action of the applicant;
4. The board shall further make a finding that the reason set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building or structure.
5. The Board of Adjustment shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.
6. Under no circumstances shall the board grant a variance to allow a use not permissible under the terms of this ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this ordinance in said district.

Case No. BOA 201415.05



## CONDITIONS NECESSARY FOR GRANTING A VARIANCE

Ordinance 2010.023

Please state in detail how the conditions necessary for the granting of a variance have been met in this case. Attach additional sheets if necessary.

**TO BE EXPLAINED, DETAILED & COMPLETED BY APPLICANT**

**Condition 1:** Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district.

We need a carport to protect us from the rain and our 2 vehicles from the Texas Sun

**Condition 2:** That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance.

of a carport, 10 of our neighbors have carports.

**Condition 3:** That the special conditions and circumstances do not result from the action of the applicant.

No

**Condition 4:** The board shall further make a finding that the reason set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building or structure.

Yes



**Condition 5:** The Board of Adjustment shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

Our carport would be built of 20 gauge steel post, the post will be 3-4 feet in the ground depending on the rock base. We have called 811 and had our lot checked

**Condition 6:** Under no circumstances shall the board grant a variance to allow a use not permissible under the terms of this ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this ordinance in said district.

Car ports have been allowed in the past in older neighborhoods like ours

The board shall further make a finding that the reason set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building or structure.

The Board of Adjustment shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

Under no circumstances shall the board grant a variance to allow a use not permissible under the terms of this ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this ordinance in said district.

The burden of showing these conditions is on the applicant. You will be expected at the Board of Adjustment hearing to submit evidence providing the conditions stated exist. Evidence can be presented by testimony and/or through documentation.

All conditions are required to be met in order for the board of adjustment to grant your variance. Failure to state how your variance request meets these conditions in your application will result in its return without being submitted to the board of adjustment.



Case No. BOA 201415.05

## REQUEST FOR A VARIANCE

To the

### OVILLA ZONING BOARD OF ADJUSTMENT

CITY OF OVILLA

§

COUNTY OF ELLIS

STATE OF TEXAS

§

#### TO THE HONORABLE BOARD OF ADJUSTMENT

Property description (Attach field notes if necessary):

Lot No. \_\_\_\_\_

Property Address

106 Meadowwood Ln.  
Ovilla Tx 75154

Block No. \_\_\_\_\_

Zoning \_\_\_\_\_

The Applicant, MICHAEL CLOUSE, of ELLIS County, requested that the Ovilla Zoning Board of Adjustment grant the following variance to Article \_\_\_\_\_, Chapter \_\_\_\_\_, Section \_\_\_\_\_ of the Ovilla Zoning Ordinance. Please state in detail what type of variance you are seeking, attach additional sheets if necessary.

we are needing this carport to protect our 2 vehicles. We purchased this home the end of Aug. 2014 from an investment group, and it needed a lot of work. To date we have spent over \$50,000 on this home. \$20,000 of which was for a new drive way. With over 10 carports in the area it never crossed our mind when we bought the house we would not be able to have a carport for our vehicles.

Has a previously appeal been filed on this property?

YES  NO

If YES, when was the previous appeal filed? \_\_\_\_\_



- Case No. BOA 2014 15.05

I have completed the following requirements:

1. Paid the filing fee of \$200.00 (checks made payable to "City of Ovilla")
2. Submitted a scaled plot/site plan
3. Completed all sections of the application

I authorize \_\_\_\_\_ of \_\_\_\_\_,  
(Applicant's agent) (Address)

\_\_\_\_\_, to represent me in this variance request before the Board of Adjustment.  
(Telephone)

Respectfully submitted:

Applicant's Name \_\_\_\_\_

Mailing Address \_\_\_\_\_  
\_\_\_\_\_

Telephone (Hm) \_\_\_\_\_

Telephone (Wk) \_\_\_\_\_

Email \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Applicant's signature

Date

**NO APPLICATION MAY BE ACCEPTED BY MAIL, MESSENGER, OR FAX.**

**APPLICATIONS CAN ONLY BE ACCEPTED IN PERSON**



DATE: 2/17/2015

- Case No. BOA 201415-05

\*\*\*\*\*

OFFICE USE ONLY

DATE RECEIVED: 1/20/2015 HEARING DATE: 2/17/2015

APPROVED: \_\_\_\_\_ DENIED: \_\_\_\_\_

BOA CHAIRMAN SIGNATURE: \_\_\_\_\_





## City of OVILLA Board of Adjustment Findings of Fact for VARIANCE

Applicant: Michael Clouse Case Number: BOA 201415.05  
Address: 106 Meadowwood Ln.

Upon giving public notice and conducting a public hearing on this **VARIANCE** request in accordance with **Chapter 14 Section 30.8** of the Ovilla Code of Ordinances, the Board of Adjustment adopts these specific, written findings as follows:

	YES	NO
1. That special circumstances or conditions exist which are peculiar to the property, structure or building involved and which are not applicable to other lands, structures, or buildings in the same district.		
2. That literal interpretation of the Ordinance will deprive the applicant of rights commonly enjoyed by other properties in the same district under the Ordinance.		
3. That the special conditions and circumstances do not result from the action of the applicant.		
4. The Board of Adjustment shall further make a finding that the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building or structure; and		
5. The BOA shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this ordinance and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.		

*All findings must be determined in the affirmative for the variance to be granted.*

**BOA Members present, and upon a record vote of:**

	FOR	AGAINST	ABSTAIN
Member Jamie Hilburn			
Vice-Chair Barbara Betik			
Member Stephanie Albright			
Member Patricia Rarick			
Member Richard Ware			
Alt. Member Carol Richtsmeier			
Alt. Member Jeanne Ham			

**TOTALS:**

FOR  
AGAINST  
ABSTAIN

The variance is hereby: granted denied

Presiding Officer of BOA

Date

City or Board Secretary